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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

NGHIEM, MICHAEL P

ART UNIT PAPER NUMBER

2863

DATE MAILED: 01/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,649

Applicant(s)

STURGEON ET AL.

Examiner

Michael P Nghiem

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,8,9,11-15,21,22 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,8,9,11-14,21,22,24-28 and 30 is/are rejected.
- 7) ☒ Claim(s) 15 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

The Amendment filed on January 6, 2003 has been acknowledged.

Withdrawal of Allowability

1. The indicated allowability of claims 2, 8, 9, 11-13, 24-28, and 30 are withdrawn in view of the newly discovered reference(s) to Walters (US 4,853,708) and Gasdova et al. (US 6,017,118). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 9, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8, "said separable key element" (line 5) and "said discrete key element" (line 10) lack antecedent basis.

Claims 13, 14, "said separable key element" (line 1) lacks antecedent basis.

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The remaining claims are also rejected under 35 U.S.C. 112, second paragraph, for being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 11-13, 21, 22, 25, 27, 28, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Walters (US 4,853,708).

Walters discloses all the claimed features of the invention including:

- a mechanism (Fig. 4) for establishing compatibility of a printer component (8) with an ink jet printer (Fig. 1) comprising:
 - a printer component mounting portion (Fig. 3a) operably secured to the printer;
 - a separate key element (40) detachably secured to said component mounting portion, adjacent to said printer component (Fig. 4);

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- at least one tab (48) extending from the printer component (Figs. 4, 5), said at least one tab positioned and oriented in a defined and unique tab pattern thereby indicating a required characteristic of the printer component (Figs. 6, 7);

- said separate key element having at least one mating slot (holes in 40 receiving 48) positioned and aligned to receive said at least one tab (Figs. 4, 5), thereby allowing the printer component to be operably secured to the mounting portion and preventing similarly shaped printer components that have a different tab pattern from being operably secured to the printer component mounting portion (Abstract, lines 3-11);

- a chassis (Fig. 1); a motor (7); a carriage (6) operably secured to the chassis and driven by the motor for reciprocal movement relative to the chassis (Fig. 1);

- an ink reservoir (8) secured to the printer at a mounting portion (Figs. 1, 3a), said ink reservoir having a unique pattern of tabs extending therefrom thereby indicating a characteristic of the ink received within the reservoir;

- a printhead (5) operably secured to the carriage (Fig. 1), in fluid communication with said ink reservoir (Fig. 2), and in electrical communication with a controller (including 9, Fig. 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 9, 14, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters in view of Gasdova et al. (US 6,017,118).

Walters discloses all claimed limitations as discussed above except:

- said separable key element further including a display surface for visually indicating a required characteristic of the printer component;
- said display surface has a unique shape, and further including a label displaying surface indicia thereon to indicate said required characteristic of the printer component and having said unique shape for being operably secured to said display surface.

Nevertheless, Gasdova et al. discloses a separable key element (keying caps, Abstract, lines 2-4) including a display surface (Abstract, line 3) including a label displaying surface (1288, Fig. 22) for the purpose of indicating the color of ink within the ink cartridge (column 12, lines 36-44).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Walters with a separable key element including a display surface as disclosed by Gasdova et al. for the purpose of indicating the color of ink within the ink cartridge.

Allowable Subject Matter

5. Claims 15 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons For Allowance

7. The combination as claimed wherein said mounting portion is mounted to said carriage defining an on-axis ink reservoir (claim 15) or said printer component is a printhead (claim 29) is not disclosed, suggested, or made obvious by the prior art of record.

Response to Arguments

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703)

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306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



MICHAEL NGHIEM
PRIMARY EXAMINER

Michael Nghiem

January 16, 2003